Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board, which was and is:

9000 W. Wilderness Way, #289 Shreveport, LA 71106.

- 4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124
- 5. On or about January 9, 2012, the first class mail documents were returned marked not at this address and on or about February 21, 2012, the aforementioned documents were returned by the U.S. Postal Service marked "unclaimed." The address on the documents was the same as the address on file with the Board. Respondent failed to maintain an updated address with the Board and the Board has made attempts to serve the Respondent at the address on file. Respondent has not made herself available for service and therefore, has not availed herself of her right to file a notice of defense and appear at hearing.
 - 6. Government Code section 11506 states, in pertinent part:
 - (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.
- 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-391.
 - 8. California Government Code section 11520 states, in pertinent part:
 - (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.
- 9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as

taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2012-391, finds that the charges and allegations in Accusation No. 2012-391, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$307.50 as of February 28, 2012.

DETERMINATION OF ISSUES

- 1. Based on the foregoing findings of fact, Respondent Lisha D. Lepine has subjected her Registered Nurse License No. 605161 to discipline.
 - 2. The agency has jurisdiction to adjudicate this case by default.
- 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

Respondent is subject to discipline pursuant to Business and Professions Code section section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Louisiana State Board of Nursing ("Louisiana Board"), as follows:

- a. On or about March 21, 2011, pursuant to the Consent Order in the disciplinary proceeding titled "In the Matter of: Lisha Sermons Lepine", Respondent's Louisiana registered nurse license ("license") was formally reprimanded with stipulations, including that Respondent submit to comprehensive outpatient psychiatric, psychological, and substance abuse evaluation at a Board-recognized evaluation and treatment center, and immediately submit to all recommendations of the therapist, physician, or treatment team. Respondent was also ordered to pay a \$1,000 fine to the Board.
- b. Respondent admitted that on or about July 21, 2010, while working as a registered nurse at Willis-Knighton Health System in Shreveport, Louisiana, she tested positive for Propoxyphene (Darvocet) after being involved in an accident while

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on duty. Respondent also admitted that from February 2008 through March
2010, she was prescribed narcotic medications on a chronic basis, which
treatment may potentially affect her ability to provide safe nursing care. The
medications included the controlled medications Hydrocodone, Tussionex

Pennkinetic Suspension, Cheratussin AC Syrup, Alprazolam, and Phentermine. On or about May 10, 2011, Respondent submitted to a comprehensive outpatient evaluation at Palmetto Addiction Recovery Center in Rayville, Louisiana ("Palmetto"). Palmetto recommended a 2 year diagnostic monitoring contract, to include random urine drug screens and ETG. Palmetto also recommended that Respondent abstain from all mood altering chemicals and alcohol for at least the duration of the monitoring contract. On or about July 12, 2011, the Louisiana Board suspended Respondent's license for failing to comply with the recommendations made by Palmetto and the Board's Order.

ORDER

IT IS SO ORDERED that Registered Nurse License No. 605161, heretofore issued to Respondent Lisha D. Lepine, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on AUGUST 3, 2012.

It is so ORDERED JUIU 5,2012



FOR THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS

10846716.DOC DOJ Matter JD:SA2011102613

Attachment: Exhibit A: Accusation

DEFAULT DECISION AND ORDER

Exhibit A

Accusation

`				
1 2 3 4 5	Attorney General of California ARTHUR D. TAGGART Supervising Deputy Attorney General ELENA L. ALMANZO Deputy Attorney General State Bar No. 131058 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550			
6 7	Facsimile: (916) 327-8643			
9	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
10		291		
11		2012-391		
12	aka LISHA SERMONS LEPINE			
13	Shreveport, LA 71106	SATION		
15	_			
16				
17				
18		•		
19	9 1. Louise R. Bailey, M.Ed., RN ("Complainant") b	rings this Accusation solely in her		
20	official capacity as the Executive Officer of the Board of Re	official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),		
21	Department of Consumer Affairs.	Department of Consumer Affairs.		
22	2 2. On or about August 23, 2002, the Board issued I	2. On or about August 23, 2002, the Board issued Registered Nurse License Number		
23	605161 to Lisha D. Lepine, also known as Lisha Sermons Lepine ("Respondent"). Respondent's			
24	registered nurse license was in full force and effect at all times relevant to the charges herein and			
25	expired on May 31, 2006.			
26	6 STATUTORY PROVISION	STATUTORY PROVISIONS		
27	` 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that			
28	8 the Board may discipline any licensee, including a licensee l	the Board may discipline any licensee, including a licensee holding a temporary or an inactive		

license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct . . .
- (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action . . .

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Disciplinary Actions by the Louisiana State Board of Nursing)

- 7. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Louisiana State Board of Nursing ("Louisiana Board"), as follows:
- a. On or about March 21, 2011, pursuant to the Consent Order in the disciplinary proceeding titled "In the Matter of: Lisha Sermons Lepine", Respondent's Louisiana registered nurse license ("license") was formally reprimanded with stipulations, including that Respondent

submit to comprehensive outpatient psychiatric, psychological, and substance abuse evaluation at a Board-recognized evaluation and treatment center, and immediately submit to all recommendations of the therapist, physician, or treatment team. Respondent was also ordered to pay a \$1,000 fine to the Board. A true and correct copy of the Consent Order is attached as exhibit A and incorporated herein by reference. Respondent admitted that on or about July 21, 2010, while working as a registered nurse at Willis-Knighton Health System in Shreveport, Louisiana, she tested positive for Propoxyphene (Darvocet) after being involved in an accident while on duty. Respondent also admitted that from February 2008 through March 2010, she was prescribed narcotic medications on a chronic basis, which treatment may potentially affect her ability to provide safe nursing care. The medications included the controlled medications Hydrocodone, Tussionex Pennkinetic Suspension, Cheratussin AC Syrup, Alprazolam, and Phentermine.

b. On or about May 10, 2011, Respondent submitted to a comprehensive outpatient evaluation at Palmetto Addiction Recovery Center in Rayville, Louisiana ("Palmetto"). Palmetto recommended a 2 year diagnostic monitoring contract, to include random urine drug screens and ETG. Palmetto also recommended that Respondent abstain from all mood altering chemicals and alcohol for at least the duration of the monitoring contract. On or about July 12, 2011, the Louisiana Board suspended Respondent's license for failing to comply with the recommendations made by Palmetto and the Board's Order. True and correct copies of the Louisiana Board's correspondence to Respondent dated June 30, 2011, and July 14, 2011, notifying her of the suspension are attached as exhibit B and incorporated herein by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

Revoking or suspending Registered Nurse License Number 605161, issued to Lisha
 Lepine, also known as Lisha Sermons Lepine;

2. Ordering Lisha D. Lepine, also known as Lisha Sermons Lepine, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

Taking such other and further action as deemed necessary and proper. 3.

DATED: December 22,2011

Executive Officer Board of Registered Nursing Department of Consumer Affairs

State of California Complainant

SA2011102613

EXHIBIT A

Consent Order

-5

17373 Perkins Road Baton Rouge; LA 70810 Telephone: (225) 755-7500 Fax: (225) 755-7582

http://www.lsbn.state.la.us

August 24, 2011

Enrique Leyva Board of Registered Nursing 1625 N. Market Blvd, Suite N-217 Sacremento, CA 95834

STATE OF LOUISIANA

EAST BATON ROUGE PARISH

I, Barbara L. Morvant, Executive Director of the Louisiana State Board of Nursing, do hereby certify that I am Custodian of Records of the Board of Nursing and that the copy of the Final Order pertaining to the matter of LISHA SERMONS LEPINE, RN099232, is a true and correct copy of said documents as they appear among the files and records of this office.

WITNESS by my hand and seal of the Board of Nursing this August 24, 2011.

LOUISIANA STATE BOARD OF NURSING

Barbaro & Morrant, M.N. R.N.

BARBARA L. MORVANT, MN, RN EXECUTIVE DIRECTOR

BOARD SEAL

Joy Peterson, BSN, RN Director of Hearings

Enclosures

BLM/JP/hf.

17373 Perkins Road Baton Rouge, LA 708 1.0 Telephone: (225) 755-7500 Fax: (225) 755-7582 http://www.lsbn.state.la_.us

April 26, 2011

Lisha Sermons Lepine 2320 Elloitt St Alexandria, LA 71301

> RE: ORDER Approving and Accepting Consent Order - Reprimand

Dear Mrs Lepinc:

This is official notification that the signed Consent Order submitted by you was approved and accepted by the Louisiana State Board of Nursing in a regularly scheduled meeting on April 12, 2011.

Pursuant to the Consent Order of March 21, 2011 this is to officially reprimand you for the actions which brought you before the Board.

The Board ordered that you be reprimanded for Positive Drug Test.

The Board has serious concerns over this type of conduct in nursing practice. The Board reminds you that the scope of your practice is defined in the Louisiana Nurse Practice Act and the Rules of the Board of Nursing and that you are responsible and accountable for your actions as a registered nurse.

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvant, MN, RN

Executive Director

BLM/hf

LOUISIANA STATE BOARD OF NURSING BATON ROUGE, LOUISIANA

IN THE MATTER OF: LISTA SERMONS LEPINE 2320 ELLOITT ST ALEXANDRIA, LA 71301 Respondent

RN# 099232 CONSENT ORDER

TERMS AGREED TO BY LICENSEE

1, LISHA SERMONS LEPINE, (Respondent), voluntarily agree to sign and have witnessed terms of agreement for the purpose of avoiding formal administrative proceedings with the Louisiana State Board of Nursing.

I, LISHA SERMONS LEPINE, do say that I freely, knowingly and voluntarily emer into this agreement. I understand that I have a right to a hearing in this matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

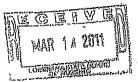
I acknowledge that the Louisiana State Board of Nursing makes the following FINDINGS OF FACT:

- On March 3, 2000, Respondent was licensed by examination to practice as a Registered Nurse in Louisiana.
- On or about July 21, 2010, while working as a Registered Nurse at Willis-Knighton Health System in Shreveport, Louisiana, Respondent tested positive for Propoxyphene (Darvocet) after being involved in an accident while at work.
- From February, 2008, through March, 2010, Respondent was prescribed narcotic medications on a chronic basis, which treatment may potentially affect Respondent's ability to provide safe narsing care. The medications included controlled medications Hydrocodone, Tussionex Peankinetic Susp, Cheratussin AC Syrup, Alprazolam, and Phentarmine.

To facilitate submission of this Consent Agreement, I do not offer any defense to the FINDINGS OF FACTS. I agree that the Board has jurisdiction of this matter pursuant to L.R.S. 37:91,1 et seq. I admit to all of the above facts and I agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of L.R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true, which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. I understand that this will be reported to Healthcare Integrity and Protection Data Bank (HIPDB) as D8, Other: Positive drug test while on duty.

HIPDB Narrative: By Consent Order, RN's license was Formally Reprimanded with stipulations, including comprehensive outpatient evaluations, after RN tested positive for Darvon while on duty.

I further acknowledge and attest that I have fully cooperated with the Louisiana State Board of Nursing in resolving this matter and intend to comply with all stipulations of this Order.



Page 1 of 3

Initials

LOUISIANA STATE BOARD OF NURSING BATON ROUGE, LOUISIANA

IN THE MATTER OF: LISHA SERMONS LEPINE 2320 ELLOITT ST ALEXANDRIA, LA 71301

Respondent.

RN# 099232 CONSENT ORDER

TERMS AGREED TO BY LICENSEE

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board: A letter of reprimand is issued and becomes a part of this Registrant's permanent file, regarding the incident which brought this registrant before the Board, i.e., positive drug test.

- 1. Within 60 days, submit to comprehensive outpatient psychiatric, psychological, and substance abuse evaluation, at Respondent's expense, at a Board-recognized evaluation and treatment center, Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to registrant's capability of practicing nursing with reasonable skill and safety to patients.
- Shall submit all pages of this agreement to each evaluator prior to the start of the evaluations in order for the evaluation to be deemed valid.
- Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This stipulation shall continue until the registrant is fully discharged by the respective professionals and until approved by the Board staff.
- 4. If the evaluations give any treatment recommendations or findings to warrant concern for patient safety, shall meet with Board or Board staff. Must demonstrate, to the satisfaction of the Board, that she poses no danger to the practice of nursing or to the public and that she can safely and competently perform the duties of a Registered Nurse.
- 5. If found to be chemically dependent, immediately sign an agreement with the Recovering Nurse Program (RNP) and cause to have submitted evidence of compliance with all program requirements for a minimum of 3 years. License suspension with stay and probation shall be extended to run concurrently, on the same dates, with RNP participation.
- 6. Immediately (within 72 hours) inform the Board in writing of any change in address.
- 7. Within 12 months, submit payment of \$200,00 to the Board as cost of consent.
- 8. Within 12 months, submit payment of \$ 1000.00 to the Board as fine.
- 9. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
- 10. Failure to comply with the above orders or non-receipt of reports on date due shall result in the immediate suspension of this Registrant's license. This suspension can be imposed by action of the Executive Director subject to the discretionary review of the Board.

I, LISHA SERMONS LIEPINE, understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing

MAR 14 2011 U

Page 2 of 3

Initials

LOUISIANA STATE BOARD OF NURSING BATON ROUGE, LOUISLANA

in the matter of: Lisha sermons lepine 2320 ELLOITT ST ALEXANDRIA, LA 71301 Respondent

RN# 099232 CONSENT ORDER

TERMS AGREED TO BY LICENSEE
from requiring a formal hearing of my case. I further understand that should the Consent Agreement not be accepted by the Board, I agree that presentation to and consideration of the Consent Agreement, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this Registrant.

Witness Witness Barbara L. Morvant, MN, RN

Executive Director

Page 3 of 3

Initials

Accusation

17373 Perkins Road
Baton Rouge, LA 708 10
Telephone: (225) 755-7583
http://www.lsbm.state.la.us

Cartified Mail
Return Receipt Requested

June 30, 2011

Ms. Lisha Sermons Lepine 2320 Elloitt St Alexandria, LA 71301

Dear Ms. Lepine:

Reference is to the Consent Order with the Board effective March 21, 2011. This order issued a Letter of Reprimend, with stipulations, including but not limited to the following:

- Within 60 days, submit to comprehensive outputient psychiatric, psychological, and substance abuse evaluation, at Respondent's expense, at a Board-recognized evaluation and treatment center, Shall authorize and cause a written report of the said evaluation to be submitted to the Board, Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to registrant's capability of practicing nursing with reasonable skill and safety to patients.
- Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This stipulation shall continue until the registrant is fully discharged by the respective professionals and until approved by the Board staff.
- If the evaluations give any treatment recommendations or findings to warrant concern for patient safety, shall meet with Board or Board staff. Must demonstrate, to the satisfaction of the Board that she poses no danger to the practice of nursing or to the public and that she can safely and competently perform the duties of a Registered Nurse.

A review of your file reveals that you are not in compliance with the aforementioned Order, specifically:

- On May 10, 2011, you submitted to a comprehensive outpatient evaluation at Palinctto Addiction Recovery Center in Rayville, Louisiana, which made the following recommendations:
 - We recommend a two (2) year diagnostic monitoring contract to include random urine drug screens and ETG.
 - We recommend that she abstain from all mood aftering chemicals, and alcohol for at least the duration of the monitoring contract.
- On. June 2, 2011, you were notified of the aforementioned recommendations by Regular Mail and informed that failure to respond within ten (10) days would result in the automatic suspension of your Louisiana RN license.

- On June 13, 2011, when contacted by Board staff regarding the June 2, 2011 treatment recommendation letter, you stated that you had not received said letter and that you had changed addresses.
- On June 13, 2011, a letter was mailed to the address given to Board, regarding the treatment recommendations made by Palmetto Addiction Recovery Center. Additionally, you were informed that failure to respond within ten (10) days would result in the automatic suspension of your Louisiana RN license.
- * As of the date of this letter you have yet to notify Board staff regarding your plans to fulfill the recommendations made by Palmetto Addiction Recovery Center.

The order further states that failure to comply with the stipulations, or receipt of an unfavorable report shall result in the immediate suspension of your license. Therefore, your Louisiana RN license is suspended and you are hereby directed to return your 2011 RN license to the Board of Nursing.

YOU ARE TO CEASE AND DESIST IMMEDIATELY THE PRACTICE OF NURSING IN LOUISIANA.

This will be reported to the Healthcare Integrity and Protection Data Bank (HIPDB) as A5 Violation of or Failure to Comply With Licensing Board Order and 1135 Suspension of License.

HIPDB Narrative: On March 21, 2011, by Consent Order, Respondent was issued a letter of reprimand with stipulations including but not limited to submit to a comprehensive outputient evaluation and comply with all recommendations thereafter of the evaluators. Respondent's Louisiana RN license was suspended after she failed to comply with the recommendations given by the respective professionals.

If at some time in the future you can present evidence that the cause for the disciplinary action no longer exists and/or no longer affects your ability to practice nursing safely, you may potition the Board to request approval for the reinstatement of your RN license. Prior to requesting reinstatement, you must enter and complete a comprehensive in-patient evaluation at a Board approved evaluation center, as listed on the Board's web site. You must provide evaluators with a complete copy of this Board Order and previous Consent Order prior to the start of evaluations. If approval is granted after this, a period of probation with stipulations would be required.

If you are able to show error in the staff's action then you must so notify the Board in writing within ten (10) days of this date.

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvent, MN, RN

Executive Director

BLM/DS/wjw

oc: Ms. Lisha Sermons Lepine 5348 Old Jacksonville Hwy., Apt 30

Tylor, TX 75703

17373 Perkins Road Baton Rouge, LA 708 1 0 . Telephone: (225) 755-7500 Fax: (225) 755-7582 http://www.jsbn.state.la.us

July 14, 2011

Ms. Lisha Sermons Lepine 2320 Elloitt St Alexandria, LA 71301

Re: Board Order

Dear Ms. Lepine:

This is official notification that the recent action taken by staff for suspension of your license was ratified by the Louisiana State Board of Nursing in a regular Ly scheduled meeting on July 12, 2011,

You are directed to return your 2011 RN license to the Board at this time if you have not done so already.

LOUISIANA STATE BOARD OF NURSING

Joy Peterson, RN, BSN Director of Hearing

JP/hf